



NIKAIDO, MARMELESTEIN, MURRAY & ORAM LLP

Docket No. P8026-7004

Date August 10, 1998

**REQUEST FORM FOR CONTINUING PROSECUTION APPLICATION  
UNDER 37 C.F.R. §1.53(d)**

Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

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This is a Request for filing a continuation application under 37 C.F.R. §1.53(d) of prior Application No. 08/879,139, filed on June 19, 1997 entitled: **ANTIBACTERIAL THERAPY WITH BACTERIOPHAGE GENOTYPICALLY MODIFIED TO DELAY INACTIVATION BY THE HOST DEFENSE SYSTEM**

By the following named inventor(s): Carl M. MERRIL, Richard M. CARLTON, Sankar L. ADHYA

The above identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. The Prior Application identified above was a non-provisional application that is complete as defined by 37 C.F.R. §1.51(b) or a national stage of an international application in compliance with 35 U.S.C. §371 and was filed on or after June 8, 1995.

1. ☐ Enter the non-entered amendment previously filed on \_\_\_\_\_ under 37 C.F.R. §1.116 in the prior non-provisional application.
2. ☒ A Preliminary Amendment is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

	Number Filed	Number Extra	Rate	Basic Fee \$790.00
Total Claim(s)	10 - 20	00	x 22.00	\$00
Independent Claim(s)	02 - 3	00	x 82.00	\$00
Multiple Dependent Claims			+ 270.00	\$00
TOTAL				\$790.00
Reduction by 1/2 for small entity				- \$00
TOTAL FILING FEE				= \$790.00

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3. ☒ Our check in the amount of One Thousand Seven Hundred Forty Dollars (\$1,740.00) is enclosed to cover the filing fee and four (4) month extension of time fee. In the event that any other fees are required with respect to this application, please charge our Deposit Account No. 14-1060. Any overpayment may be credited to the same account.


4. ☐ A new oath or declaration is included.
5. ☐ A Verified Statement to establish small entity status under 37 C.F.R. §1.9 and §1.27 ☐ is enclosed ☐ was filed in the prior application and such status is still proper and desired.
6. ☐ An Information Disclosure Statement with PTO-1449 and ☐ references is enclosed.
7. ☒ Applicants hereby petition that the period for response to the Official Action dated February 11, 1998 in the parent Application No. 08/879,139, be extended, if necessary, to the filing date of the present continuing prosecution application. The fee for any such extension may be charged to our Deposit Account No. 14-1060.
8. ☐ Also enclosed:

Address all future communications to:

**NIKAIDO, MARMELSTEIN, MURRAY & ORAM LLP**

Metropolitan Square  
655 Fifteenth Street, N.W.  
Suite 330 - G Street Lobby  
Washington, D.C. 20005-5701  
Telephone: (202) 638-5000  
Facsimile: (202) 638-4808

August 10, 1998  
(Date)

  
\_\_\_\_\_  
Monica Chin Kitts  
Reg. No. 36,105  
☒ Attorney or agent of record

MCK/cb

Enclosure: Check No. 17185